

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS MICHAEL KLOSTER,

Defendant.

Case No. 24-00275-01-CR-W-DGK

**UNITED STATES OF AMERICA'S MOTION TO INCLUDE
CERTAIN CONDITIONS OF RELEASE**

The United States of America, by Teresa A. Moore, United States Attorney, and Patrick D. Daly, Senior Litigation Counsel, and Nicholas P. Heberle, Assistant United States Attorney, all for the Western District of Missouri, submits this motion in support of the imposition of certain conditions of supervised release in the event that this Court orders the pretrial release of the defendant pending trial pursuant to 18 U.S.C. §§ 3142(a)(2) & (c)(1)(B).

INTRODUCTION

On November 19, 2024, a Grand Jury returned a two-count Indictment alleging that NICHOLAS MICHAEL KLOSTER committed multiple violations of the Computer Fraud and Abuse Act (18 U.S.C. § 1030, *et seq.*). This Indictment alleges that the defendant physically entered two separate locations late in the evening to perpetrate these intrusions into protected computers. *See* Indictment ¶¶ 9, 13, 14-19.

Prior to its receipt of the pretrial report prepared by the United States Probation Office for the Western District of Missouri, the United States does not anticipate seeking the pretrial detention of this defendant. In the event the Court issues an order that, pending trial, the defendant be released on a condition or combination of conditions under 18 U.S.C. § 3142(c), the United

States submits that conditions beyond those contemplated under the Court's standard conditions of release, or those set out in 18 U.S.C. § 3142(c)(1)(B)(i)-(xiii), are warranted in this case.

Specifically, this statute contemplates the imposition of additional conditions that are "reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community." 18 U.S.C. § 3142(c)(1)(B)(xiv). The United States submits the imposition of the following conditions would assure both defendant's appearance at future hearings as well as assure the safety of any other person and the community:

- Global Positioning System ("GPS") monitoring;
- Restrictions on the possession and/or use of internet-capable devices; and
- The imposition of restrictive curfew conditions.

Based on the foregoing, and pending the pretrial report prepared by the United States Probation Office for the Western District of Missouri, the United States moves this Court to include certain additional conditions of his release in light of 18 U.S.C. § 3142(c)(1)(B).

Respectfully submitted,

TERESA A. MOORE
United States Attorney

By */s/ Patrick D. Daly*

PATRICK D. DALY
Senior Litigation Counsel

NICHOLAS P. HEBERLE
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East Ninth Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered on November 22, 2024, to the Electronic Filing System (CM/ECF) of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Patrick D. Daly

PATRICK D. DALY
Senior Litigation Counsel